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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: September 18, 2003

By:

Valerie Peterson
Valerie Peterson

**PATENT
RECEIVED**
SEP 23 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: DAVID CHENG
APPLICATION NO.: 10/066,394
FILED: FEBRUARY 1, 2002
FOR: **INDEXING MULTIPLE TEST PROBE
SYSTEM AND METHOD**

EXAMINER: TO BE ASSIGNED
ART UNIT: UNKNOWN
CONF. NO: 3742
OFFICE OF PETITION

**Petition to Revive Unintentionally Abandoned
Application under 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which apparently became abandoned on October 16, 2002 for failure to file a response to the Notice of Missing Parts mailed on March 6, 2002.
2. Reply Under 37 C.F.R. § 1.137(b)(1)
 - a. Enclosed herewith is:
 1. Response to Notice to File Missing Parts of Nonprovisional Application With Petition for Extension of Time (with all requested missing parts and fees)
 2. Statement To Accompany Petition to Revive Unintentionally Abandoned Application (described below)
 3. Combined check no. 1814 to cover all required fees
 4. Postcard receipt
3. Fee Under 37 C.F.R. § 1.137(b)(2)
Applicant claims small entity status, and enclosed is the fee \$650.00 under 37 C.F.R. § 1.17(m) included in the combined check.
4. Statement Under 37 C.F.R. § 1.137(b)(3)

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

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5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- ☐ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed Under current USPTO practice, further information regarding the abandonment is not required.
- ☒ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a "Statement to Accompany Petition To Revive Unintentionally Abandoned Application Under 37 CFR § 1.137(b)", explaining how the abandonment occurred and how it was unintentional.
- ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.

6. Terminal Disclaimer under 37 C.F.R. § 1.137(b)(4) and (c)

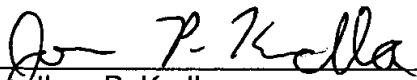
- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

7. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-2207.

Respectfully submitted,
Perkins Coie LLP

Date: September 18, 2003


Jonathan P. Kudla
Registration No. 47,724

Correspondence Address:

Customer No. 22918
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EXAMINER: TO BE ASSIGNED
ART UNIT: UNKNOWN
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**Statement to Accompany Petition to Revive Unintentionally
Abandoned Application under 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

Attorneys for Applicant were formerly with the law firm of Oppenheimer Wolff & Donnelly LLP, which has now closed its Silicon Valley offices. As a result of a move to the Silicon Valley offices of Perkins Coie LLP, contact was temporarily lost with Applicant, and the transfer of files was delayed. Numerous attempts were made to contact Applicant, based upon incomplete contact information in possession of the Attorneys. Once contact with the Applicant was made and a review was made of transferred files, it was determined that there was never a response filed by Oppenheimer Wolff & Donnelly to the Notice of Missing Parts. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

Respectfully submitted,
Perkins Coie LLP

Date: 9/18/03

Jonathan P. Kudla
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